

Application Serial No. 09/826,503
Amd. to OA mailed March 25, 2005

Attorney Docket No. CM03024J

REMARKS/ARGUMENTS

Claims 1 and 3-8 remain in the application. Claim 5 has been amended.

Reconsideration of the application is respectfully requested.

Claim Objections

Appropriate amendment to Claim 5 has been made and it is respectfully requested that the Examiner's objection to Claim 5 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson (USPN 5,771,297) in view of Powter et al. (USPN 3,912,880).

Applicant respectfully traverses the rejection. Neither Richardson nor Powter taken individually or combined teach that which is claimed in independent claim 8. Claim 8 calibrates an internal speaker of a portable communication device and specifically recites producing an optimized internal speaker output. The microphone of Richardson is used as feedback to monitor a response not for calibration of the speaker. Richardson teaches that overdriving the speaker causes noise and distortion and uses the microphone to sense clipping. Richardson uses a specific test microphone as described in column 1, line 67 through col. 2, lines 1-10 where the mounting examples of Richardson's microphone are positioned in front of the speaker, behind the speaker or built within the cone as a sensor.

Application Serial No. 09/826,503
Amd. to OA mailed March 25, 2005

Attorney Docket No. CM030241

Applicant's claim the use of the portable communication device's internal microphone, as claimed in claim 8. No additional test microphone is needed in Applicant's invention.

The Powter reference is based entirely on stimulating a microphone with noise and measuring a frequency response of the microphone – not calibrating the microphone or the speaker. Furthermore, Powter uses an external noise source. Thus, Powter and Richardson are not readily combinable and even if were combined do not produce that which is claimed by Applicant's claim 8. Accordingly the rejection of claim 8 is believed to be overcome.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Powter and in further view of Wong et al (USPN 5,881,103).

Applicant respectfully traverses the rejection. Applicant's claim 5 is directed to calibration for tuning an internal microphone and internal speaker of a portable two-way radio. Applicant's specifically recite in independent claim 5, filtering the output of the internal microphone to provide a compensated microphone signal. Neither Richardson nor Powter taken individually or combined teach calibrating a microphone. Again, Richardson teaches that overdriving the speaker causes noise and distortion and uses the microphone (13) to sense clipping. Accordingly the rejection of claim 5 is believed to be overcome.

Application Serial No. 09/826,503
Amd. to OA mailed March 25, 2005

Attorney Docket No. CM03024J

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Powter and Wong et al and in further view of Eatwell et al (USPN 5,481,615).

In addition to the arguments presented above, Claim 6 is a dependent claim providing further limitation to what is believed to be an allowable claim 5 and hence is also in condition for allowance.

Claims 7, 1, 3, and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Powter and Wong and in further view of Rapaich (USPN 4,631,749).

None of the cited reference taken individually or combined teaches that which is claimed by Applicant's invention.

Claims 3 and 4 are dependent claims providing further limitations to what is believed to be an allowable claim 1 and hence are also in condition for allowance.

Claim 7 is directed to optimizing the frequency response and gain of a microphone located in a portable communication device. The steps of claim 7 produce an optimized microphone output for the portable communication device through claimed operations and elements located "within the portable communication device". As stated above, neither Richardson nor Powter optimize a microphone. Likewise, Wong does not calibrate the microphone. Additionally, Wong requires a plurality of auxiliary input and output signal devices as opposed to devices "within" the portable communication device. Thus, even if the

Application Serial No. 09/826,503
Amended to OA mailed March 25, 2005

Attorney Docket No. CM030243

references were combinable they would not produce internal microphone calibration.

Accordingly, the rejection of claim 7 is believed to be overcome.

Claim 1 recites directing the pseudo random acoustical noise to an input of an internal microphone used with the portable communications device; and adjusting first coefficients in at least one digital signal processor connected to the internal microphone for a desired microphone frequency response based upon the input of pseudo random acoustical noise. Neither, Richardson nor Powtor teaches internal microphone calibration. Likewise, Wong does not calibrate the microphone. Further more, Wong requires the use of a reference audio response corresponding to an ideal response for the accessory device as described in column 4, lines 29-30. No such ideal response is used in Applicant's invention. Applicant maintains that these references, even if they could be combined, would not result in that which is claimed by independent claim 1. Thus, the rejection of claim 1 is believed to be overcome.

Accordingly, the rejection of claims 1, 3, 4 and 7 is believed to be overcome.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Application Serial No. 09/826,503
Amd. to OA mailed March 25, 2005

Attorney Docket No. CM03024J

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Respectfully submitted,

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